IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

CRP.No. 755 of 2007()

OPELE.57/2004 of ADDL. DISTRICT COURT, THODUPUZHA
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REVN. PETITIONER: RESPONDENT:

KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY, VYDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

RESPONDENTS: PETITIONER:

SRI.P.K. BABU,
R/AT PALACKAL HOUSE, CHEMPALAM KARA,
PAMPADUMPARA VILLAGE, UDUMBANCHOLA TALUK.

BY ADV. SRI.ABRAHAM K.JOHN
SRI.SUNNY KALAYATHINAL

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 755 OF 2007

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Dated this the 30th day of November, 2007.

O R D E R

This revision petition is preferred against the order of the District Judge in OP(Ele.) 57/04 of the Addl. District Judge, Thodupuzha. The Court below has passed an award whereby an amount of Rs.10,075/- with interest at 7.5% per annum is granted. The learned counsel for the revision petitioner submits that as per the decision of the Apex Court reported in ***K.S.E.B. v. Livisha (2007 (3) KLT page 1***) the matter has to be reconsidered and the dictum laid down by this Court in ***Kumba Amma v. K.S.E.B. (2000(1) KLT 542)*** cannot be relied upon in toto as the Apex Court has held that each case has to be considered depending upon the facts and circumstances of that case and that has been extended in relation to fruit bearing trees also.

2. Now, let me analyze whether the Court below has done it properly. The Court below found that there are five jack fruit trees aged between 8 to 28 years of which three were of yielding type. That had been cut and removed by the

respondent. Similarly, the Court has found that there were pepper wines of age group of 2 to 7 out of which 14 were yielding and they had been cut and removed from the property. Petitioner claims a compensation of Rs.50,000/-. The Court below considered that Rs.61.25 has to be fixed as the price of pepper per kilogram and applying those price and the return the Court has granted a reasonable amount. There is nothing to show that there are circumstances which will go to show that the value calculated or estimated is high. Only for 14 yielding pepper wines and another four pepper wines which is about to yield and jack fruit trees etc. the compensation is fixed at Rs.10,075/-. I do not find any perversity, irregularity or illegality in the order of the Court below. Therefore, the C.R.P. is dismissed.

M.N. KRISHNAN, JUDGE.

ul/-